

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**VERYL JEFFERSON,**

)

**Plaintiff,**

)

**v.**

)

**44TH STREET WESTERN  
HILLS, LLC,  
DOUGER'S LOUNGE, and  
DOES 1-5, INCLUSIVE,**

)

**Defendants.**

)

**8:16CV34**

**FINDINGS AND  
RECOMMENDATION**

This matter is before the court *sua sponte*. The plaintiff filed a complaint on January 1, 2015. ([Filing No. 1](#)). On January 27, 2016, summons were requested and issued as to defendants 44th Street Western Hills, LLC, and Douger's Lounge. ([Filing No. 7](#)). The plaintiff filed proof of service for the defendant 44th Street Western Hills, LLC, on April 12, 2016, and proceedings against 44th Street Western Hills have proceeded. ([Filing No. 10](#)). However, there is no evidence defendant Douger's Lounge has been served and it has not made an appearance in this case. On June 21, 2016, this court entered an order requiring the plaintiff to, on or before July 5, 2016, provide evidence of service for Douger's Lounge or show cause why her action should not be dismissed against Douger's Lounge pursuant to [Federal Rule of Civil Procedure 4\(m\)](#). ([Filing No. 18](#)). The plaintiff failed to comply with the court's order and no activity has occurred in this suit since the order's issuance. Accordingly,

**IT IS HEREBY RECOMMENDED to Chief District Court Judge Laurie Smith Camp** that the plaintiff's complaint ([Filing No. 1](#)) be dismissed as to the defendant Douger's Lounge, without prejudice, pursuant to [Federal Rule of Civil Procedure 4\(m\)](#).

**ADMONITION**

A party may object to a magistrate judge's order by filing an objection within fourteen (14) days after being served with a copy of the findings and recommendation. Failure to timely object may constitute a waiver of any objection.

**DATED: July 11, 2016.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**